HON'BLE THE ACTING CHIEF JUSTICE BILAL NAZKI
AND
HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT APPEAL No.849 OF 2007

Date: 11-12-2007.

Between :

N.V.Ramanamma @ Padmavatamma & another.

.....Appellants.

And

District Collector, Visakhapatnam & others.

.....Respondents.

HON'BLE THE ACTING CHIEF JUSTICE BILAL NAZKI
AND
HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT APPEAL No.849 OF 2007

JUDGMENT : (Per Hon'ble Sri Justice Bilal Nazki, ACJ)

Heard learned counsel for the parties and perused the record.

This is an appeal against the order of learned Single Judge in the writ petition. A letter from the District Collector, Visakhapatnam to the Revenue Divisional Officer (RDO), Visakhapatnam, dated 08.07.2004, was the subject matter of the writ petition. The learned Single Judge has not entertained the writ petition on the ground that the writ petition was premature. The letter reads as under—

> "Sub: IA Act, 1956 – Visakhapatnam District – Pendurth Mandal, Narava Village – S.Nos.5 and 6 – Ac.65.60 cts, - Ryotwari Patta Allowed by the Mandal Revenue Officer, Pendurthi – Request for filing Revision petition – Reg.
>
> Ref: 1. Your Rc.No.2962/2003 SDT (1) dt.18.09.2003.
> 2. Rc.No.553/2003/A, dt.16.12.2003 of the Mandal
> Revenue Officer, Pendurthi.
>
> Please refer to the references cited.
>
> Adverting to the references first cited, I request you

to get an appeal filed against the orders of the then Mandal Revenue Officer, Pendurthi issued vide proceedings in I.A.No.1/91, dt.09.01.93, by the present Mandal Revenue Officer, Visakhapatnam before you and dispose of the same under the provisions of I.A. Act 1956, in case if no appeal is filed previously.

Yours faithfully,
Sd/- M.Ramakrishna Rao,
For Collector, Visakhapatnam."

The learned Senior Counsel appearing for the writ petitioner submits that the bias is manifest in the letter itself, where the Collector had ordered the RDO, who is an appellate authority, to get an appeal filed against the orders passed by the Mandal Revenue Officer (MRO) on 09.01.1993 and decide the appeal himself. Therefore, this order cannot sustain. The learned counsel for the respondents has also not been able to defend the order because, justice must not only be done, but it must be seen to have been done. We agree that this is a case where there appears to be inherent bias. We have seen the letter written by RDO, Visakhapatnam to the Collector, Visakhapatnam on 18.09.2003, to which a reference is made in the impugned order. In this letter, the RDO had already expressed his opinion that the writ petitioner had obtained patta of the land for which he was not entitled to. Therefore, he had requested the Collector to grant him permission to file a revision before the Commissioner. Instead of granting permission to file a revision, the Collector asked the same RDO to ask the MRO to file appeal and decide the appeal himself. Obviously, the RDO would have decided the appeal

against the writ petitioner.

In this view of the matter, we set aside the order dated 08.07.2004 and allow the writ petition and writ appeal. However, the respondents shall be at liberty to proceed in accordance with law against the petitioners, if they feel that the proceedings dated 09.01.1993 of the MRO were in any way illegal.

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BILAL NAZKI, ACJ

11th December 2007.

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RAMESH RANGANATHAN, J

ajr